

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In Re Patent Application of:)	
LEAMING)	Examiner: E. UNELUS
)	
Serial No. 10/829,007)	Technology Center: 2100
)	
Filing Date: April 21, 2004)	Art Unit: 2181
)	
For: SMART CARD WITH SELF-)	Attorney Docket No.
RECONFIGURATION FEATURES AND)	02-AU-090 (52040)
RELATED METHODS)	
)	

APPELLANT'S REPLY BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Herewith is Appellant's Reply Brief that is submitted in reply to the Examiner's Answer to Appellant's Appeal Brief mailed September 16, 2008. If any additional extensions and/or fees are required, authorization is given to charge Deposit Account No. **01-0484**.

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Serial No. 10/829,007

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(1) Real Party in Interest

No change from Appeal Brief.

(2) Related Appeals and Interferences

U.S. Patent Application No. 10/829,008, which is also assigned to the present assignee, is currently on appeal before the Board of Patent Appeals and Interferences, and this appeal may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the present appeal. The Appeal Brief for the '008 application was filed on October 20, 2008, and the Examiner's Answer was mailed on October 29, 2008.

(3) Status of the Claims

No change from Appeal Brief.

(4) Status of the Amendments

No change from Appeal Brief.

(5) Summary of the Claimed Subject Matter

No change from Appeal Brief.

(6) Grounds of Rejection to be Reviewed On Appeal

No change from Appeal Brief.

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(7) Argument

On page 11 of the Examiner's Answer, the Examiner now additionally points to paragraph 0034 of Maier as support for teaching the claimed recitation of performing re-enumeration based upon allocations of system bus bandwidth to other devices communicating with the host device over the system bus. Paragraph 0034 of Maier is reproduced below for the Board's convenience:

"[0034] Two of these four modes require a bandwidth reservation, which is accorded or not by the USB host after an enumeration phase, depending on the bandwidth already reserved by other USB devices, which are plugged onto the USB bus."
(Emphasis added).

The Examiner latches on to the "depending on the bandwidth already reserved by other USB devices" language as teaching a re-enumeration by a smart card based upon allocations of system bus bandwidth to other devices communicating with the host device over the system bus. However, the Examiner overlooks the key portion of paragraph 0034, namely that this paragraph is discussing whether the USB host (i.e., not the attached smart card) is according a USB peripheral connection to the USB device (or not) based upon how much system bus bandwidth is already allocated to other peripheral devices. That is, this paragraph is simply summarizing the USB protocol approach of allowing a host to exclude peripheral devices from accessing the USB if

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adequate bandwidth is not available (i.e., because there are already too many other USB peripherals connected to the USB).

Stated alternatively, independent Claims 1, 10, 19, and 28 of the present application are not merely reciting that a USB host can exclude peripherals from accessing the USB if there is already too great of a demand on available USB bandwidth, as Maier teaches. Rather, the above noted independent claims recite that it is the smart card (e.g., the smart card processor) that selectively removes its attachment signal from the system bus and re-enumerates based upon an alternate descriptor(s) based upon allocations of the system bus bandwidth to other devices communicating with the host device over the system bus. Here again, neither this passage nor any other passage of Maier teach or properly provide this claimed recitation.

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CONCLUSION

In view of Appellant's Appeal Brief and the foregoing arguments, it is submitted that all of the claims are patentable over the prior art. Accordingly, the Board of Patent Appeals and Interferences is respectfully requested to reverse the earlier unfavorable decision by the Examiner.

Respectfully submitted,



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